



## Monaco

### Country Reports on Human Rights Practices - [2001](#)

Released by the Bureau of Democracy, Human Rights, and Labor

March 4, 2002

Monaco is a constitutional monarchy in which the sovereign Prince plays a leading role in governing the country. The Prince appoints the four-member Government, headed by a Minister of State chosen by the Prince from a list of candidates proposed by France. The other three members are the Counselor for the Interior (who is usually French), the Counselor for Public Works and Social Affairs, and the Counselor for Finance and the Economy. Each is responsible to the Prince. Legislative power is shared between the Prince and the popularly elected 18-member National Council. There also are three consultative bodies whose members are appointed by the Prince: The 7-member Crown Council; the 12-member Council of State; and the 30-member Economic Council, which includes representatives of employers and trade unions. Under the constitution the Prince delegated his judicial powers to a judiciary, which is generally independent.

In addition to the national police force, the "Carabiniers du Prince" carry out security functions. Government officials effectively control both forces.

The population was approximately 32,000, and the principal economic activities are services and banking, light manufacturing, and tourism. The economy provides residents with a high standard of living.

The Government generally respected the human rights of its citizens, and the law and the judiciary provide effective means of dealing with individual instances of abuse. Authority to change the Government and initiate laws rests with the Minister of State. The Penal Code prohibits public denunciations of the ruling family. The Constitution distinguishes between those rights that are provided for all residents and those that apply only to the approximately 7,000 residents who hold Monegasque nationality. Some remnants of legal discrimination against women persist, particularly with regard to the transmission of citizenship.

#### RESPECT FOR HUMAN RIGHTS

##### Section 1 Respect for the Integrity of the Person, Including Freedom From:

###### a. Arbitrary or Unlawful Deprivation of Life

There were no reports of the arbitrary or unlawful deprivation of life by the Government or its agents.

###### b. Disappearance

There were no reports of politically motivated disappearances.

###### c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution prohibits such practices, and there were no reports that officials employed them.

Prison conditions generally meet international standards. Women are detained separately from men, and juveniles are detained separately from adults. The Government permits visits by human rights monitors; however, there were no such visits during the year.

d. Arbitrary Arrest, Detention, or Exile

The Constitution prohibits arbitrary arrest and detention, and the Government generally observes these prohibitions. Arrest warrants are required, except when a suspect is arrested while committing an offense. The police must bring detainees before a judge within 24 hours to be informed of the charges against them and of their rights under the law. Most detainees are released without bail, but the investigating magistrate may order detention on grounds that the suspect either might flee or interfere with the investigation of the case. The magistrate may extend the initial 2-month detention for additional 2-month periods indefinitely. The magistrate may permit family members to see detainees.

The Government does not use forced exile.

e. Denial of Fair Public Trial

Under the Constitution, the Prince delegated his judicial powers to the judiciary, which generally provides citizens with a fair and efficient judicial process. The law provides for a fair, public trial, and an independent judiciary respected these provisions in practice. The defendant has the right to be present and the right to counsel, at public expense if necessary. As under French law, a three-judge tribunal considers the evidence collected by the investigating magistrate and hears the arguments made by the prosecuting and defense attorneys. The defendant enjoys a presumption of innocence and the right of appeal.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution prohibits such actions, and the Government generally respects these prohibitions.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech and of the press, and the Government generally respects these rights; however, the Penal Code prohibits public denunciations of the ruling family, a provision that the media respects in practice.

Several periodicals are published. There are no domestically published daily newspapers. Foreign newspapers and magazines circulate freely, including French journals that specifically cover news in the Principality. Foreign radio and television are received without restriction. There are no restrictions on access to the Internet. Stations that broadcast from the Principality operate in accordance with French and Italian regulations.

Academic freedom is respected.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for the freedoms of peaceful assembly and association, and the Government generally respects these rights.

Outdoor meetings require police authorization, but there were no reports that police withheld authorization for political or arbitrary reasons. Formal associations must be registered and authorized by the Government, and there were no reports the Government withheld registration for political or arbitrary reasons.

c. Freedom of Religion

The law provides for freedom of religion, and the Government generally respects this right. Roman Catholicism is the state religion.

No missionaries operate in the principality and proselytizing is strongly discouraged; however, there is no law against proselytizing by religious organizations that are formally registered by the Ministry of State. In the past, organizations regarded as religious "sects" routinely have been denied such registration. However, there were

no reports of religious organizations being denied registrations during the year.

#### d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The law provides for these rights, and the Government generally respects them. Residents move freely within the country and across its open borders with France. Nationals enjoy the rights of emigration and repatriation; they can be deprived of their nationality only for specified acts, including naturalization in a foreign country. Only the Prince can grant or restore nationality, but he is obliged by the Constitution to consult the Crown Council on each case before deciding.

In light of its bilateral arrangements with France, the Government does not grant political asylum or refugee status unless the request also meets French criteria for such cases. The number of such cases was very small.

The law provides for the granting of refugee and asylum status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government cooperates with the Office of the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees.

There were no reports of the forced return of persons to a country where they feared persecution.

#### Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Authority to change the government and to initiate laws rests with the Prince. The 1962 Constitution cannot be suspended, but it can be revised by common agreement between the Prince and the elected National Council. The Prince plays an active role in Government. He names the Minister of State (in effect, the Prime Minister) from a list of names proposed by the French Government. He also names the three Counselors of Government (of whom the one responsible for the interior is usually a French national). Together the four constitute the Government. Each is responsible to the Prince. The principal political parties are L'Union Nationale et Democratique, La Liste de Campora, and La Liste de Medecin.

Only the Prince may initiate legislation, but the 18-member National Council may propose legislation to the Government. All legislation and the adoption of the budget require the Council's assent. Elections for National Council members, which are held every 5 years, are based on universal adult suffrage and secret balloting. The 1998 National Council elections were free and fair. Two political parties are represented on the Council. There is one independent member.

The Constitution provides for three consultative bodies. The seven-member Crown Council (composed exclusively of Monegasque nationals) must be consulted by the Prince on certain questions of national importance. He may choose to consult it on other matters as well. The President and three members of the Crown Council are chosen directly by the Prince for 3-year terms. The three other members are proposed by the National Council, also for 3-year terms; the Prince then ratifies their selection.

The 12-member Council of State, which is not restricted to Monegasque citizens, advises the Prince on proposed legislation and regulations. The Council of State is presided over by the Director of Judicial Services, usually a French citizen. The Director and other members are nominated by the Minister of State; their nominations are ratified by the Prince.

The 30-member Economic and Social Council advises the Government on social, financial, and economic questions. The 30 members of the Economic and Social Council are nominated by the Minister of State and approved by the Prince; they serve for 3 years. Ten members are chosen directly by the Minister; 10 members are chosen by the Minister from a list of 20 persons who are proposed by the Confederation of Labor Unions; and 10 members are selected by the Minister from a list of 20 names proposed by the Council of Business.

The percentage of women in government and politics does not correspond to their percentage of the population; however, women are active in public service. The Mayor of Monaco, one member of the Crown Council, four members of the National Council, and four members of the Economic Council are women.

#### Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

While the Government imposes no restrictions on the establishment or operation of local groups devoted to monitoring human rights, no such groups have been formed. Foreign groups have not sought to investigate

human rights conditions in the country.

#### Section 5 Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Constitution provides that all nationals are equal before the law. It differentiates between rights that are accorded to nationals (including preference in employment, free education, and assistance to the ill or unemployed) and those accorded to all residents, for example, freedom of religion and inviolability of the home.

##### Women

Reported instances of violence against women are rare. Marital violence is prohibited strictly, and any wife who is a victim may bring criminal charges against her husband.

Women are represented fairly well in the professions; however, they are represented less well in business. Women receive equal pay for equal work, and there were no reports of sexual harassment.

The law governing transmission of citizenship provides for equality of treatment between men and women who are nationals by birth; however, women who acquire Monegasque citizenship by naturalization cannot transmit it to their children, whereas naturalized male citizens can.

##### Children

The Government is committed fully to the protection of children's rights and welfare and has well-funded public education and health care programs. The Government provides compulsory, free, and universal education for children up to the age of 16.

There was no societal pattern of abuse of children.

##### Persons with Disabilities

There is no governmental or societal discrimination against person with disabilities. The Government mandated that public buildings provide access for persons with disabilities, and this goal largely has been accomplished.

#### Section 6 Worker Rights

##### a. The Right of Association

Workers are free to form unions, but fewer than 10 percent of workers are unionized, and relatively few workers, unionized or nonunionized, reside in the Principality. Unions are independent of both the Government and political parties.

The Constitution provides for the right to strike in conformity with relevant legislation; however, government workers may not strike. Strikes are rare, and there were none during the year.

The Monegasque Confederation of Unions is not affiliated with any larger labor organization but is free to join international bodies.

##### b. The Right to Organize and Bargain Collectively

The law provides for the free exercise of union activity, and workers exercise this right in practice. Agreements on working conditions are negotiated between organizations representing employers in a given sector of the economy and the respective union. Collective bargaining is protected by law; however, it is used rarely.

Antiunion discrimination is prohibited. Union representatives can be fired only with the agreement of a commission that includes two members from the employers' association and two from the labor movement. Allegations that an employee was fired for union activity may be brought before the Labor Court, which can order redress, such as the payment of damages with interest.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

The Constitution prohibits forced or compulsory labor, and there were no reports that such practices occurred.

The Constitution prohibits forced and bonded labor by children, and there were no reports that such practices occurred.

d. Status of Child Labor Practices and Minimum Age for Employment

The minimum age for employment is 16 years; those employing children under that age can be punished under criminal law. Special restrictions apply to the hiring, work times, and other conditions of workers 16 to 18 years old.

The Constitution prohibits forced and bonded labor by children, and such practices are not known to occur (see Section 6.c.).

e. Acceptable Conditions of Work

The legal minimum wage for full-time work is the French minimum wage plus 5 percent, which is approximately \$6.30 (45.91 French francs) per hour. The 5 percent adjustment was intended to compensate for the travel costs of the three-quarters of the workforce who commute daily from France. The minimum wage provides a decent standard of living for a worker and family. Most workers receive more than the minimum. The legal workweek is 39 hours. The Government allows companies to reduce the workweek to 35 hours if they so choose. Health and safety standards are fixed by law and government decree. These standards are enforced by health and safety committees in the workplace and by the government Labor Inspector. Workers have the right to remove themselves from dangerous work situations.

f. Trafficking in Persons

The law does not prohibit trafficking in persons; however, there were no reports that persons were trafficked to, from, or within the country.